

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JACK WILLIAM WOLF,	§
	§
Defendant Below-	§ No. 242, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 06M-03-098
Plaintiff Below-	§
Appellee.	§

Submitted: November 17, 2006

Decided: January 5, 2007

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 5<sup>th</sup> day of January 2007, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Jack Wolf, filed this appeal from the Superior Court's denial of his petition for a writ of habeas corpus. We find no merit to Wolf's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that, following his conviction on second degree rape, Wolf was sentenced in July 1985 to a period of twenty-five years imprisonment, to be suspended after serving twelve years for thirteen years probation. He was released on parole in 1989. In 1995, however, he was found in violation of the terms of his parole. Accordingly, the Parole

Board revoked Wolf's parole and ordered him to serve the balance of his sentence in prison.

(3) In March 2006, Wolf applied for a writ of habeas corpus. He argued that the good time he earned while incarcerated from 1985 to 1989 should have been applied to reduce the overall length of the twelve-year, Level V portion of his sentence. Wolf argued that, if his good time had been properly applied, he would not have been on parole in 1995, but instead would have been serving the probationary portion of his sentence. Wolf thus asserted that the Parole Board had lost jurisdiction over him by 1995 and should not have violated his parole.

(4) There is no merit to Wolf's argument. Section 4347(i) of Title 11 of the Delaware Code unequivocally provides that, "Except when discharged...a person on parole or conditional release shall be on parole until the expiration of the maximum term for which the person is sentenced."<sup>1</sup> Good time credits accelerate a defendant's release from Level V custody but do not reduce the overall length of the defendant's sentence.<sup>2</sup>

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<sup>1</sup> 11 Del. C. § 4347(i). *See Hall v. Carr*, 692 A.2d 888, 892 (Del. 1997).

<sup>2</sup> *Jackson v. Multi-Purpose Crim. Justice Facility*, 700 A.2d 1203, 1206 (Del. 1997) (noting that a parolee remains within the jurisdiction of the Department of Correction and subject to the supervision of the Parole Board until the inmate either has "served the remaining time on his sentence or is earlier discharged."); *Watson v. Burgan*, 610 A.2d 1364, 1368 (Del. 1992) (noting that "[r]elease on parole is intended to substitute a separate form of discipline for prison discipline.").

Moreover, upon Wolf's violation of the terms and conditions of his parole, the Board was entirely within its discretion to order him to serve out the full term of the balance of his sentence, thus implicitly forfeiting any of Wolf's previously-earned good time.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>3</sup> *Spurlin v. Department of Correction*, 230 A.2d 276, 278 (Del. 1967).